Board of Supervisors Boone County, Iowa

These of lower, Rooms Fourty, Research of Lines, Rooms Fourty, Research of Lines, Rooms Fourty, Research of Lines, Rooms Fourty, Research of Parising Research of Parising Research of Parising Research of Parising Research

ORDINANCE NO. 5A
ORDINANCE REPLACING AND REPEALING ORDINANCE NO. 5

WHEREAS, the Boone County Board of Health has proposed amendments as identified hereinbelow to the Boone County Salvage Yard Ordinance, and

WHEREAS, On February 20, 2001 the Boone County Board of Health held a public hearing to discuss and review existing requirements with county yard operators and on April 10, 2001 the Boone County Board of Health met to discuss these issues, and

WHEREAS, After careful research the Boone County Board of Health recommends to the Board of Supervisors the amendments as attached and deemed them necessary changes that will promote the health, safety and welfare of Boone County, and

WHEREAS, On September 21 and 28, 2001 the Boone County Board of Supervisors held readings in accordance with Chapter 335.6 Code of Iowa.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF BOONE COUNTY, IOWA AS FOLLOWS:

SECTION ONE: That Boone County shall, and it does hereby, approve the proposed ordinance as noted below.

BOONE COUNTY ORDINANCE #5A

AN ORDINANCE REPEALING AND REPLACING THE BOONE COUNTY JUNKYARD ORDINANCE 5 BY PROVIDING FOR HEALTH AND ENVIRONMENTAL REGULATIONS AND IMPLEMENTING UPDATED ZONING REQUIREMENTS.

SALVAGE YARD ORDINANCE OF BOONE COUNTY, IOWA

Be it enacted by the Board of Supervisors of Boone County, Iowa:

Section 1. Purpose.

The purpose of this ordinance is to regulate all salvage yard operations to promote the public health, safety, and welfare in Boone County, and to provide for the licensing of salvage yard operations and to promote recycling programs that will help keep Boone County clean.

Section 2. Definitions.

For use in this ordinance certain terms or words used herein shall be interpreted or defined as follows:

"Appliances" see "White Goods"

"Board" shall mean the Board of Supervisors of Boone County.

"Inoperable Motor Vehicle" shall mean any motor vehicle which lacks a current license or two or more wheels or other component parts, the absence of which renders the vehicle unfit for legal use on the highways.

"Enforcement Officer" shall mean the person designated by the Boone County Board of Supervisors who shall enforce the Salvage Yard Ordinance of Boone County.

"Salvage" shall mean all scrap, copper, brass, lead, or any other nonferrous metal; batteries, dismantled or inoperable vehicles, machinery and appliances or parts of such vehicles, machinery or appliances; iron, steel, or other scrap ferrous material; tin ware.

"Salvage Dealer" shall mean any person who buys, sells, transfers, delivers, or stores salvage, including all persons who operate such business at a salvage yard, and any person who by advertisement sign or otherwise holds himself out as salvage dealer in old or discarded metals, machinery, or vehicles.

"Salvage Yard" shall mean any place, used in whole or in part of the storage or deposit of salvage, in connection with a business. A place where more than one inoperable motor vehicle, discarded metal, or machinery, or used parts and materials thereof, are stored or deposited.

"Sheriff" shall mean the County Sheriff of Boone County.

"White Goods" shall mean but are not limited to refrigerators, freezers, air conditioners, dehumidifiers, clothes washers and dryers, conventional and microwave ovens, ranges and stoves, dishwashers, hot water heaters, residential furnaces, garbage disposals, trash compactors, heat pumps, humidifiers, and fluorescent light fixtures containing PCB ballasts and capacitors.

Section 3. Permit Required.

No person shall operate the business of salvage dealer in Boone County unless a permit is obtained according to Section 4.

Section 4. Permit Procedure.

Application for salvage dealer's permit shall be made on approved forms and submitted to the Planning and Development Department. The application and all other required information shall be submitted at least sixty (60) days prior to the date of issuance of such a permit. Upon such application the Enforcement Officer will inspect the premises for which the applicant seeks a permit and, if the premises comply with applicable statutes and ordinances, shall send a report of review to the Board. The Board will review all materials and make a determination as to the compliance of said Salvage Yard.

All permit renewals shall occur prior to July 1st of each subsequent year.

Any person conducting several or separate places of business as a salvage dealer shall pay the permit fee and procure a permit for each such place.

All salvage yards in existence at the time of the adoption of this ordinance shall be granted an extension of four (4) months, from the date of the adoption of this ordinance, to comply with the provisions of this ordinance.

Section 5. Application Fee.

An application fee of one hundred dollars (\$100.00) shall be paid at the time of application. The application fee is non-refundable and is intended to cover the cost of inspection and review of said salvage yard.

Section 6. Bond.

All permit holders must furnish a three thousand dollar (\$3,000.00) Surety Contract Bond to insure compliance with regulations.

Section 7. Right of Entry.

As a condition to the issuance of every permit, the Enforcement Officer or members of the Board shall, without advance notice, have the right during the hours of 8:30am to 4:00pm Monday through Friday to enter upon, or through a salvage yard, or any premises which is to be maintained under this ordinance. When an inspection results from information provided to the Board by any person, the Board may notify the permit holder that an inspection is proposed and the permit holder shall be allowed to accompany the inspector during the inspection.

Section 8. Revocation of Permit.

In the case where any salvage dealer has violated this ordinance or has otherwise conducted the business in an unlawful manner or if the permit holder has presented any false information to the County, the Board shall have the authority to revoke the Salvage Yard Permit. The salvage dealer shall be given written notice stating the specific violation(s) and a thirty (30) day period of which the salvage dealer may request a hearing before the Board. If after thirty (30) days the Board has not received written request for a hearing from the salvage dealer, the permit shall be revoked. The salvage dealer may choose to reapply for a permit after all violations have been resolved. The issuance of a new permit will include an additional permit fee.

Section 9. Appeal.

If the Board revokes or refuses to issue a permit, the Board shall endorse the reasons upon the appropriate forms. The applicant shall have a right to a hearing before the Board at its next regular meeting. The Board may reverse, modify, or affirm the decision by a majority vote.

Section 10. Transfer to New Operator or New Owner.

If control of a salvage yard is to be transferred, the previous permit shall immediately be null and void. The new operator or owner shall apply for a permit and follow all regulations as set forth in this ordinance.

Section 11. Screening Requirement for Salvage yards.

Except in those instances described in Section 13, a salvage yard as defined in this ordinance is required to have a solid opaque fence and/or landscaping that substantially screens the

frontage area in which salvage is stored or deposited. The Board shall also establish what type of enclosure is needed for the remainder of the salvage area. The fence shall be closed and locked after business hours or when the salvage yard is unattended. A sign shall be posted at the entrance indicating: operating hours, salvage material accepted, phone number, and NO dropping of material allowed after hours. The fence/landscaping shall be maintained satisfactorily to prevent damage or decay. No salvage shall be stored or deposited outside of the fence/landscaping, nor shall salvage be stacked higher than the fence/landscaping.

Section 12. Variations From Screening Requirement.

Variations from the requirement of Section 12 may be granted as follows:

- -A- In the event the perimeter of the salvage yard is effectively blocked from public view by natural terrain features or is substantially lower in elevation than the surrounding terrain in a manner which thereby renders the requirements of Section 12 ineffective, the Board may upon application allow the substitution of a non-climbable wire fabric fence in place of the solid opaque fence required in Section 12.
- -B- In the event two or more salvage yards which otherwise meet the standards of this ordinance abut each other and are located on lots adjoining each other, the Board may allow the fencing requirement of Section 12 to be substituted with a non-climbable wire fabric fence.

Section 13. Other Requirements.

- -A- Segregation of specific items: Each salvage dealer shall segregate specific items or categories of items and store such items until transferred, traded, or disposed of in a legal manner.
- **-B-** Concealing articles to prevent identification: No salvage dealer shall conceal, secrete, or destroy any article purchased or received by him to prevent identification thereof by law enforcement officers or any person claiming ownership.
- -C- Disposing of stolen goods or goods for which there is adverse claim: No salvage dealers shall sell, melt, break up, or otherwise dispose of any article which he has reason to believe has been stolen, or has been adversely claimed by a person, or which he has been notified not to sell or otherwise dispose of by any law enforcement officer, without first obtaining a permit in writing from the Board.
- -D- Clerks, agents, and employees are subject to governing ordinance: Every clerk, agent, or employee of the salvage dealer shall be subject to and bound by all the provisions of this ordinance, and liable to the same penalties and to the same extent as his employer or principal, for any violation thereof.
- -E- Conditions subject to abatement. If any salvage yard is kept or operated in a way detrimental to the health and welfare of the public to the extent that a public or private nuisance exists as established by Boone County Health and Sanitation Regulations, or is kept or operated contrary to the provisions of this ordinance, the County Board shall notify in writing the owner of the land upon which such salvage yard is kept or operated. The operator of the detrimental conditions, shall have, not less than thirty

(30) days, and not more than one hundred eighty (180) days to correct said violations. In the event the owner or operator fails to correct such conditions or to comply with the provisions of this ordinance within such time, the county may seek abatement of the nuisance or bring an action enjoining the violations. All nuisances shall be abated in accordance with state and local laws, which may include enforcement action by the DNR. The remedies provided in this section shall be in addition to the penalties provided in Section 15 of this ordinance.

- -F- Operating a White Goods salvage yard. Any persons requesting a salvage permit to include the buying, transferring, or storing of appliances must comply with all regulations as set forth by the Department of Natural Resources (DNR). A signed and dated inspection report from the DNR must accompany the request to include appliance salvage on the county permit.
- -G- Obtaining required permits from the DNR or the Iowa Department of Transportation (IDOT). Permits as required by the State of Iowa must be applied for within thirty (30) days from the date of issuance of the Boone County Salvage yard permit. Specifically at this time will be the Auto Recycler Permit from the IDOT, and the Storm Water permit from the DNR. The issuance of the Boone County permit will not be conditional upon obtaining these permits, but the permit will be revoked if the additional permits have not been applied for within the thirty (30) day time limit.

Section 14. Hearing.

Any salvage dealer whose yard was closed down under the provisions of Section 8 shall have a right to a hearing before the Board of its next regular meeting. The Board may reverse, modify, or affirm the decision by a majority vote. In case whereby the Board affirms its decision, a salvage yard dealer shall be given thirty (30) days to reverse so as to allow that salvage yard to reopen.

Section 15. Penalty.

Any person found in violation of this ordinance shall be guilty of a county infraction as defined in lowa Code Section 331.307 (1993). Violations may also result in revocation of permit as provided in Section 9 of this ordinance.

Section 16. Repealer.

All ordinances or parts of other ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 17. Severability Clause.

If any section provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

Section 18. When Effective.

This ordinance shall be effective upon its adoption.

SECTION TWO: All other ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict. If any of the provisions of this Ordinance or the application thereof to any person or circumstance are held invalid, such invalidity shall not affect other provisions or application of the Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of the Ordinance are declared to be severable.

SECTION THREE: That this amendment shall be in full force and effect from and after its passage and approval in the manner provided by law.

Action Upon First Reading Moved by: Sorensen Seconded by: Reed	Date:	September 21, 2001	
AYES (A), NAYES (N), ABSENT (X): Al Sorensen A Donovan C	Dison A	Dave Reed	Α
Action/Approval Upon Second Reading Moved by: Sorensen Seconded by: Reed	Date:	September 28, 2001	
AYES (A), NAYES (N), ABSENT (X): Al Sorensen A Donovan C	Dison A	Dave Reed	Α
Third Reading Waived Moved by: Seconded by:	Date:	September 28, 2001	
AYES (A), NAYES (N), ABSENT (X): Al Sorensen Donovan (Olson	Dave Reed	
Donovan Olson, Chairman Boone County Board of Supervisors	-	Date	
ATTEST: Philippe E. Meier, County Auditor		Date	